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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,091	06/28/2005	Eiji Kasutani	18114	6720
7590	09/02/2008		EXAMINER	
Paul J Esatto Jr Scully Scott Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			SMITH, GARRETT A	
			ART UNIT	PAPER NUMBER
			2168	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/506,091	<b>Applicant(s)</b> KASUTANI ET AL.
	<b>Examiner</b> Garrett Smith	<b>Art Unit</b> 2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 June 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 and 33-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1668)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office action is regarding Applicant's response filed 17 June 2008 to a prior Office action. Claims 1 – 30 and 33 – 35 are pending. Claims 1, 7 – 23, 25 – 27, 29, 30, 33 and 34 are amended.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed 17 June 2008 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 June 2008 has been entered.
3. This Office Action is the **Third Action, Non-Final Rejection**.

*Response to Arguments*

**35 USC § 101**

4. Applicant's arguments (page 14) and amendments, filed 17 June 2008, regarding the rejection under 35 USC § 101 of claims 21 – 23 have been fully considered and are persuasive. For these reasons, the rejection under 35 USC § 101 of claims 21 – 23 is withdrawn.

**35 USC § 112, Second Paragraph**

5. Applicant's arguments (page 13 – 14) and amendments, filed 17 June 2008, regarding the rejection under 35 USC § 112, Second Paragraph of claims 7 – 17, 25 –

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27, 29, 30, 33 and 34 have been fully considered and are persuasive. For these reasons, the rejection under 35 USC § 112, Second Paragraph of claims 7 – 17, 25 – 27, 29, 30, 33 and 34 is withdrawn.

### 35 USC § 102(e)

6. Applicant's arguments (page 14) and amendments, filed 17 June 2008, regarding the rejection under 35 USC § 102(e) of claims 1 – 30 and 33 – 35 have been fully considered but they are not persuasive.

The Examiner notes that Applicant amended claim 1 to include that for each category of picture the description schemes are defined wherein "said description schemes defining feature groups by grouping visual features describing similar signal features". The Examiner would like to point out that this limitation appears to be outside the scope of the claim and be intended use of the "description schemes." The act of "defining feature groups" does not need to occur because it is describing the capabilities of description schemes. To meet the claim language, the reference would only need to be capable of grouping similar features. However, Nagasaka et al. does teach (in Figure 15 and col 12, lines 44 – 67) that similar visual characteristics are grouped. Specifically, Nagasaka et al. states,

[I]t is possible to newly input images, compare them with the images already stored in the video archive in real time at the same time, and automatically associate the same scenes with each other. For example, if a program for comparing the inputted images and the theme song portion is already stored, they are sequential programs and can be automatically collected and arranged as a same classification.

Nagasaki et al. does teach that a predefined set of categories (for example, various types of TV shows) and that a description scheme is stored for each one. Thus, the claimed invention is taught by Nagasaki et al.

For these reasons, the rejection under 35 USC § 102(e) of claims 1 – 30 and 33 – 35 is maintained.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 – 30 and 33 – 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagasaki et al (US Patent 6,400,890 B1; patented 4 June 2002).

9. In regard to **claim 1**, Nagasaki et al teaches a picture description system comprising:

A memory unit for storing description schemes (*col 4, lines 54 – 56; data is stored in memory; col 5, lines 40 – 46; description schemes are described for various picture features that are extractable*) defined for each category of a predefined plurality of categories of picture, said description schemes defining feature groups by grouping

visual features describing similar signal features (*Figure 15 and col 12, lines 44 – 67; see arguments above*); and

A control unit for selectively retrieving one of said description schemes from said memory unit based on the category of picture specified, said description scheme specifying features extractable from said specified picture (*col 5, lines 40 – 46; description schemes are described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features*).

10. In regard to **claim 2**, Nagasaka et al further teaches the picture description system according to claim 1, further comprising a description file generating unit configured for extracting data associated with said specified features from said specified picture (*col 5, lines 40 – 46; description schemes are described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features*) and for generating a description file of said specified picture (*Fig 4, ref# 128; the extracted features are outputted*).

11. In regard to **claim 3**, Nagasaka et al further teaches the picture description system according to claim 1, wherein said control unit displays said specified features selectable on a display unit (*see figure 16, col 14, lines 9 – 11; frames are selectable*).

12. In regard to **claim 4**, Nagasaka et al further teaches the picture description system according to claim 3, further comprising a description file generating unit configured for extracting data associated with selected features out of said specified features from said specified picture (*col 5, lines 40 – 46; description schemes are*

*described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features) and for generating a description file of said specified picture (Fig 4, ref# 128; the extracted features are outputted).*

13. In regard to **claim 5**, Nagasaka et al further teaches the picture description system according to claim 2 further comprising a description file verifying unit configured for verifying said description file generated by said description file generating unit by using said description scheme associated with said category of said specified picture (col 5, lines 19 – 23; “*A feature comparator 130 compares the newest time sequential array of features 124 sequentially sent from the frame feature extractor 122 with a stored feature table 300 (the data content is the same as that of the feature table 112) for consistency*”).

14. In regard to **claim 6**, Nagasaka et al further teaches the picture description system according to claim 1, wherein said memory unit stores a rectangular picture description scheme for describing a rectangular picture (see *Fig 3*).

15. In regard to **claim 7**, Nagasaka et al further teaches the picture description system according to claim 6, wherein said rectangular picture description scheme has edge distribution (see *figure 3; the feature extraction is based on edge distribution*).

16. In regard to **claim 8**, Nagasaka et al further teaches the picture description system according to claim 7, wherein each of said at least one feature consists of at least one selectable descriptor (see *figure 16, col 14, lines 9 – 11; frames are selectable*).

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17. In regard to **claims 9 – 17**, since only one scheme is required and the selected scheme in this case is rectangular picture description (RPD) scheme, these claims do not further limit or describe this selected scheme. As such, no further discussion of these claims is required as Nagasaka et al teaches the parent claims.

18. In regard to **claim 18**, Nagasaka et al teaches a picture description method comprising the steps of:

Storing description schemes (*col 4, lines 54 – 56; data is stored in memory; col 5, lines 40 – 46; description schemes are described for various picture features that are extractable*), defined for each category of a predefined plurality of categories of picture, said description schemes defining feature groups by grouping visual features describing similar signal features (*Figure 15 and col 12, lines 44 – 67; see arguments above*);

Retrieving one of said description schemes based on said category of picture specified, said description scheme specifying features extractable from said specified picture (*col 5, lines 40 – 46; description schemes are described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features*); and

Displaying selectable features extractable from said specified features (*Figs 16, 17 and 18*).

19. In regard to **claim 19**, Nagasaka et al further teaches the picture description method according to claim 18, further comprising the steps of: selecting desired features from said displayed features; and extracting features from said specified picture according to said desired features and generating a description file (*col 5, lines*

*40 – 46; description schemes are described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features; Figs 17 and 18).*

20. In regard to **claim 20**, Nagasaka et al further teaches the picture description method according to claim 19, further comprising a step of verifying said generated description file by using a description scheme associated with said category of said specified picture (*col 5, lines 19 – 23; “A feature comparator 130 compares the newest time sequential array of features 124 sequentially sent from the frame feature extractor 122 with a stored feature table 300 (the data content is the same as that of the feature table 112) for consistency*).

21. In regard to **claim 21**, Nagasaka et al teaches a computer readable storage medium executable on a computer comprising the functions of:

*Retrieving, when a picture is specified, a description scheme associated with category of said specified picture from a memory unit storing description schemes (col 4, lines 54 – 56; data is stored in memory; col 5, lines 40 – 46; description schemes are described for various picture features that are extractable) defined for each category of a predefined plurality of categories of picture, said description schemes defining feature groups by grouping visual features describing similar signal features (Figure 15 and col 12, lines 44 – 67; see arguments above);*

*Specifying features extractable from said specified picture based on said retrieved description scheme (col 5, lines 40 – 46; description schemes are described*

*for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features); and*

Displaying selectable features extractable from said specified features (*Figs 16, 17 and 18*).

22. In regard to **claim 22**, Nagasaka et al further teaches the computer readable storage medium according to claim 21, further comprising a function of extracting features, when desired features are selected from said displayed features, from said specified picture according to said desired features and generating a description file (*col 5, lines 40 – 46; description schemes are described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features; Figs 17 and 18*).

23. In regard to **claim 23**, Nagasaka et al further teaches the computer readable storage medium according to claim 22, further comprising a function of verifying said generated said description file by using a said description scheme associated with said category of said specified picture (*col 5, lines 19 – 23; “A feature comparator 130 compares the newest time sequential array of features 124 sequentially sent from the frame feature extractor 122 with a stored feature table 300 (the data content is the same as that of the feature table 112) for consistency*).

24. In regard to **claim 24**, Nagasaka et al further teaches the picture description system according to claim 1, wherein said memory unit stores at least one of a still picture description scheme for describing features of a still picture (*Fig 3, as the frames of the movie are still pictures*)

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25. In regard to **claim 25**, Nagasaka et al further teaches the picture description system according to claim 24, wherein said still picture description scheme has edge distribution feature (*see figure 3; the feature extraction is based on edge distribution*).

26. In regard to **claim 26**, Nagasaka et al further teaches the picture description system according to claim 25, wherein each of said at least one feature consists of at least one selectable descriptor (*see figure 16, col 14, lines 9 – 11; frames are selectable*).

27. In regard to **claim 27**, since only one scheme is required and the selected scheme in this case is rectangular picture description (RPD) scheme, this claim does not further limit or describe this selected scheme. As such, no further discussion of this claim is required as Nagasaka et al teaches the parent claim.

28. In regard to **claim 29**, Nagasaka et al further teaches the picture description system according to claim 1, wherein said memory unit stores a still picture description scheme for describing features of a still picture (*Fig 3, as the frames of the movie are still pictures*).

29. In regard to **claims 29, 30, 33 and 34**, since only one scheme is required and the selected scheme in this case is still picture description scheme, these claims do not further limit or describe this selected scheme. As such, no further discussion of these claims is required as Nagasaka et al teaches the parent claims.

30. In regard to **claim 35**, Nagasaka et al further teaches the picture description system according to claim 4, further comprising a description file verifying unit configured for verifying said description file generated by said description file generating

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unit by using said description scheme associated with said category of said specified picture (*col 5, lines 19 – 23; “A feature comparator 130 compares the newest time sequential array of features 124 sequentially sent from the frame feature extractor 122 with a stored feature table 300 (the data content is the same as that of the feature table 112) for consistency).*

***Conclusion***

31. The Examiner requests, in response to this Office action, that support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.

32. When responding to this Office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garrett Smith whose telephone number is (571) 270-1764. The examiner can normally be reached on Mon - Fri, 8:30 AM - 6:00 PM EST, Alt Fri Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 18, 2008

/GS/  
Garrett Smith  
Patent Examiner  
Art Unit 2168

/Tim T. Vo/  
Supervisory Patent Examiner, Art Unit 2168

**Notice of References Cited**

Application/Control No.

10/506,091

Applicant(s)/Patent Under

Reexamination

KASUTANI ET AL.

Examiner

Garrett Smith

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**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-6,389,181 B2	05-2002	Shaffer et al.	707/1
*	B US-6,396,963 B2	05-2002	Shaffer et al.	707/1
*	C US-6,459,824 B1	10-2002	Lee et al.	707/1
*	D US-7,031,965 B1	04-2006	Moriya et al.	707/1
E	US-			
F	US-			
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H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

**FOREIGN PATENT DOCUMENTS**

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**NON-PATENT DOCUMENTS**

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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